



-----Original Message-----

From: Cynthia Rushing [mailto:fedemail@vns.usdoj.gov]
Sent: Thursday, August 19, 2010 8:49 AM
To: Judy Abel <dajabel@roadrunner.com>
Subject: US Department of Justice Victim Notification System

DO NOT REPLY TO THIS EMAIL.

Office	U.S. Department of Justice United States Attorney's
Carolina	Western District of North Suite 1650 Carillon Bldg 227 W. Trade St. Charlotte, NC 28202 Phone: (704) 338-3119 Fax: (704) 344-6629

August 19, 2010

Judy Abel

RE: United States v. Defendant(s) Keith Franklin Simmons Case Number 2009R00232 and Court Docket Number 10-CR-00023

Dear Judy Abel:

The United States Department of Justice believes it is important to keep victims of federal crime informed of court proceedings. This notice provides information about the above-referenced criminal case.

An arraignment is scheduled before Judge David Cayeron September 3, 2010, 09:30 AM at Magistrate Courtroom, 401 W Trade St, Charlotte, NC 28202 for the case which involves defendant(s) Keith Franklin Simmons. The main purpose of this hearing is for the defendant to enter a plea to the charges filed in this case. Your attendance is not required. The government expects the defendant to enter a plea of not guilty at this hearing. If the plea is guilty, you will be notified.

Because of the Court's schedule, hearing dates could change on very short notice. If you plan on attending, you may want to call the VNS Call Center

P-Abel0013

or check the web site to confirm the date and time. Please note, there is a 24-hour delay in information transfer to the web site.

The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this case on the VNS Web site at <https://www.notify.usdoj.gov> or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

You will use your Victim Identification Number (VIN) 2788336 and Personal Identification Number (PIN) 9160 anytime you contact the Call Center and the first time you log on to the VNS web site. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Abel.

Remember, VNS is an automated system and cannot answer questions. If you have other questions which involve this matter, please contact this office at the number listed above.

Sincerely,

Shirley Rutledge
Victim Witness Coordinator

If you do not want to receive email notifications from the Victim Notification System (VNS) or wish to no longer participate in the Department of Justice victim notification program, please log into the VNS Web site at <https://www.notify.usdoj.gov>. To stop receiving email notifications or change your email address select My Information and either remove your email address or provide a new address and click the "update" button. If you no longer wish to receive notifications in your case or access the VNS Web site and toll free telephone service, select Stop Receiving Notifications and follow the instructions on the screen.

If you believe you have received this email in error, please contact the office listed at top of the email message.

Please note, if this is the first notification you have received from VNS you will need to wait 4-8 hours from receipt of this email before you can login to the VNS Internet site (<http://www.notify.usdoj.gov>). In addition, it will also be 4-8 hours before any documents which may have been uploaded to VNS as part of this notification will be available under the "Documents/Links" section on the Web page.

Attachments have been referenced with this notification and are available on the VNS Internet site (or will be available within 8 hours). After you log into the Web site select "Downloads/Links" to view the attachments.

P-Abel0014



From: Jonathan Davey [mailto:jdavey321@gmail.com]
Sent: Tuesday, October 26, 2010 9:12 AM
To: Investment Clients & Friends <jdavey@safeharborwealth.com>
Subject: DCS October Update #2

Dear Shareholders,

We received the British funds into our account this morning.

I should have all of your checks completed and in the mail by the end of business today and you should receive them no later than Friday. The amount of the checks will be 4.31% of your balance.

For IRA accounts, I will be sending one check to Sunwest Trust for the total of all the IRA accounts along with an allocation schedule of each IRA account. Please check with Sunwest Trust on Friday or Monday to confirm receipt into your individual account.

Gripping the Rock

Jonathan Davey

Divine Circulation Services, Ltd.

Circular 230 Disclaimer: To comply with IRS requirements, please be advised that, unless otherwise stated by the sender, any tax advice contained in this e-mail message and its attachments is not intended or written to be used, and cannot be used, by the recipient to avoid any federal tax penalty that may be imposed on the recipient, or to promote, market or recommend to another any referenced entity, investment plan or arrangement.

P-Abel0015



From: Jonathan Davey [mailto:jdavey321@gmail.com]
Sent: Thursday, November 4, 2010 9:17 AM
To: Investment Clients & Friends <jdavey@safeharborwealth.com>
Subject: DCS October Update #3

Dear Shareholders,

I wanted to give a brief update for October.

Now that we've received the British funds from the European Trading Program, I'm refocused on the Swiss funds. After a very long and bureaucratic process, the Swiss Debt Collection Office has finally received back their documents from England. Unbelievably, there was a paperwork error but our Swiss attorney thinks that it is immaterial. He believes that the Swiss judge will now order a final seizure on the frozen assets (we've been waiting on this since last year) and the process should be complete in 3-4 weeks. Therefore I'm expecting to have those funds back by Christmas.

Mexbank continues its optimism and I've attached their latest update. In their update they reference a web link and I've gone ahead and copied the linked article for your convenience. In case your wondering why the attachment is in landscape mode, the updates on Mexbank's website are designed so they can't be "cut & paste" and the font is very small. In order for me to increase the font size I had to scan the update in landscape mode.

I haven't received any new substantive information from Audience Alliance but expect an update by the end of the month.

Feel free to call me with any questions and have a Happy Thanksgiving.

Gripping the Rock,

Jonathan Davey

Divine Circulation Services, Ltd.

Circular 230 Disclaimer: To comply with IRS requirements, please be advised that, unless otherwise stated by the sender, any tax advice contained in this e-mail message and its attachments is not intended or written to be used, and cannot be used, by the

P-Abel0016

recipient to avoid any federal tax penalty that may be imposed on the recipient, or to promote, market or recommend to another any referenced entity, investment plan or arrangement.



MexbankUpdage102910.pdf

927K



MXBK Group

MBFX

MB Asset Mgmt

Contact Us .
Links

[About Us](#) . [Services](#) . [Spot OTC Forex](#) . [Track Record](#) . [Questions](#) . [Open An Account](#) . [My Account](#)

Welcome Divine Circulation Services, LLC - Jonathan Davey, Managing Partner! You are currently logged in.

[Click Here to Logout](#)

Litigation Updates:

October 29, 2010

Litigation Update

Dear MBFX Customer,

As you may have read in the Geneva news there has been a very important development in the ownership of ACM. Found at this link:

http://www.swissquote.ch/website-group/doc/pdf/press/press_release_101027_e.pdf

Our Swiss law firm has confirmed to us that the laws in Switzerland require any company who buys another company to take the good with the bad. That means Swissquote Bank is now liable for any financial or legal obligations of ACM. Swissquote can not be held liable for any criminal actions of the former owners of ACM. Criminality is an individual liability not a corporate one. The ACM asset freeze order has been confirmed as being in place so that Swissquote can not strip assets from ACM or remove them from Switzerland. This is another reason we expect Swissquote to entertain a settlement.

This additional financial strength may make it easier for our lawyers in Switzerland to secure a settlement.

Until formal meetings have been scheduled and conducted we do not know if Swissquote will be eager to end this matter to prevent their name from being drug into the legal battle, or if they intend to wait and see what the court decides.

We do expect the examining magistrate to reach a decision against ACM before the end of the year. Yes, criminal indictments against past ACM owners will under Swiss law encumber ACM assets for restitution purposes.

My next update will be posted for you as soon as the meetings with Swissquote have taken place.

Sincerely,
Irvin Navarrete
Lead Counsel



Media Information

Gland/Zurich, October 27, 2010

Swissquote acquires ACM and massively expands forex business

Swissquote Bank Ltd. has acquired ACM Advanced Currency Markets AG with effect from October 26, 2010. The parties have agreed not to disclose the acquisition price. ACM is headquartered in Geneva and has branches in Zurich and Dubai. With a headcount of around 100 employees, it is one of the world's largest forex trading companies. ACM has achieved revenues of CHF 27 million in the first nine month of 2010.

A transaction benefiting everyone involved

The acquisition of privately owned ACM by Swissquote is an astute forward-looking solution that benefits all parties concerned. The takeover and subsequent merger with Swissquote Bank allows ACM, which does not hold a banking license, to continue operating in forex trading. Since it was founded in 2002, ACM has made a name for itself on the international markets by offering forex trading free of commission fees at the lowest spreads with guaranteed order execution. The takeover will not change anything for ACM's clients since the existing platform and attractive conditions remain in place. But they will benefit from Swissquote's good reputation, solid balance sheet, healthy profitability and, above all, from the banking license it has held since 2000. FINMA approves the takeover and will monitor integration, which is to be completed in the coming months.

Rapid expansion of forex business

The acquisition of ACM gives Swissquote an opportunity to rapidly expand its trading operations with its strongly growing eForex arm. Swissquote's forex trading volumes will increase by a factor of four thanks to the takeover, and income from trading will increase from a good 20 percent to more than 40 percent of total earnings. What is more, with its new branch office in Dubai, Swissquote will in future be able to participate in the continuing dynamic growth seen in the Middle East and Asia.

Further information on the takeover of ACM will be announced at the telephone conference scheduled for November 5, 2010 for the publication of the figures for the first nine months.

Swissquote – Swiss leader in online trading

Swissquote has 270 employees in Gland (Vaud) and Zurich. In addition to low-cost stock market access for private clients and portfolio managers, Swissquote offers a forex trading platform (FXBook), an attractive savings account and an electronic asset manager (ePrivate Banking). Swissquote Group Holding AG shares (SQN) are quoted on the SIX Swiss Exchange.

For further information

Marc Bürki, CEO Swissquote Bank Ltd., Chemin de la Crétaux 33, CH-1196 Gland
Tel. +41 22 999 98 50 | fax +41 22 999 94 54 | mobile +41 79 413 41 45
marc.burki@swissquote.ch

P-Abel0019



-----Original Message-----

From: Shirley Rutledge [mailto:fedemail@vns.usdoj.gov]
Sent: Thursday, January 6, 2011 11:15 AM
To: Judy Abel <dajabel@roadrunner.com>
Subject: US Department of Justice Victim Notification System

DO NOT REPLY TO THIS EMAIL.

Office	U.S. Department of Justice United States Attorney's
Carolina	Western District of North Suite 1650 Carillon Bldg 227 W. Trade St. Charlotte, NC 28202 Phone: (704) 338-3119 Fax: (704) 344-6629

January 06, 2011

Judy Abel

RE: United States v. Defendant(s) Keith Franklin Simmons Case Number
2009R00232 and Court Docket Number 10-CR-00023

Dear Judy Abel:

The United States Department of Justice believes it is important to keep victims of federal crime informed of court proceedings. This notice provides information about the above-referenced criminal case.

On December 16, 2010, a jury returned the following verdict(s) involving the defendant, Keith Franklin Simmons:

The United States Probation Office will be making contact with you to complete a Victim Impact Statement for inclusion in the Presentence Report for the Court. The Victim Impact Statement is used to describe the emotional impact and/or financial losses you have experienced as a result of the defendant's crime.

P-Abel0020

Number of Charges	Description of Charges
Disposition	
-----	-----
1	Securities Violations
Guilty	
2	Laundering of monetary instruments
Guilty	
1	Fraud by wire, radio, or television
Guilty	

The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this case on the VNS Web site at <https://www.notify.usdoj.gov> or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

You will use your Victim Identification Number (VIN) 2788336 and Personal Identification Number (PIN) 9160 anytime you contact the Call Center and the first time you log on to the VNS web site. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Abel.

Remember, VNS is an automated system and cannot answer questions. If you have other questions which involve this matter, please contact this office at the number listed above.

Sincerely,
Anne M. Tompkins
United States Attorney

Shirley Rutledge
Victim Witness Coordinator

If you do not want to receive email notifications from the Victim Notification System (VNS) or wish to no longer participate in the Department of Justice victim notification program, please log into the VNS Web site at <https://www.notify.usdoj.gov>. To stop receiving email notifications or change your email address select My Information and either remove your email address or provide a new address and click the "update" button. If you no longer wish to receive notifications in your case or access the VNS Web site and toll free telephone service, select Stop Receiving Notifications and follow the instructions on the screen.

If you believe you have received this email in error, please contact the office listed at top of the email message.

Please note, if this is the first notification you have received from VNS you will need to wait 4-8 hours from receipt of this email before you can login to the VNS Internet site (<http://www.notify.usdoj.gov>). In addition, it will also be 4-8 hours before any documents which may have been uploaded

P-Abel0021

to VNS as part of this notification will available under the
"Documents/Links" section on the Web page.



From: Jonathan Davey [mailto:jdavey321@gmail.com]
Sent: Monday, January 10, 2011 8:12 AM
To: Investment Clients & Friends <jdavey@safeharborwealth.com>
Subject: December Update

Dear Shareholders.

As expected, not much transpired during December. Therefore this update will be brief.

Last week our Swiss attorney (for the EPT Program) said that the seizure notice should be ready to be sent to England this week. Apparently the Christmas spirit still seems to be operating in the Geneva Debt Collection offices. Once the notice has been served, a 10 day window begins after which the frozen funds should be released. Therefore, I'm planning on receiving funds at the end of January or first of February.

Concerning Black Diamond, justice has prevailed and Keith Simmons was found guilty on all counts. He will be sentenced sometime during 2011.

I do not have any substantial information on our other funds at this time. I pray that this year sees the return of our funds and we can all begin rebuilding our portfolios.

Gripping the Rock,

Jonathan Davey

Divine Circulation Services, Ltd.

Circular 230 Disclaimer: To comply with IRS requirements, please be advised that, unless otherwise stated by the sender, any tax advice contained in this e-mail message and its attachments is not intended or written to be used, and cannot be used, by the recipient to avoid any federal tax penalty that may be imposed on the recipient, or to promote, market or recommend to another any referenced entity, investment plan or arrangement.

P-Abel0023



-----Original Message-----

From: Shirley Rutledge [mailto:fedemail@vns.usdoj.gov]
Sent: Tuesday, February 15, 2011 2:34 PM
To: David Abel <dajabel@roadrunner.com>
Subject: US Department of Justice Victim Notification System

DO NOT REPLY TO THIS EMAIL.

Office	U.S. Department of Justice United States Attorney's
Carolina	Western District of North Suite 1650 Carillon Bldg 227 W. Trade St. Charlotte, NC 28202 Phone: (704) 338-3119 Fax: (704) 344-6629

February 15, 2011

David Abel

RE: United States v. Defendant(s) Keith Franklin Simmons Case Number 2009R00232 and Court Docket Number 10-CR-00023

Dear David Abel:

The United States Department of Justice believes it is important to keep victims of federal crime informed of court proceedings. This notice provides information about the above-referenced criminal case.

The trial previously scheduled for defendant(s) Keith Franklin Simmons on April 5, 2010, 09:30 AM at Courtroom 2, 401 W Trade St, Charlotte, NC 28202 has been rescheduled by the court. VNS will continue to provide you with updated case scheduling and event information.

The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this case on the VNS Web site at <https://www.notify.usdoj.gov> or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to

P-Abel0024

update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

You will use your Victim Identification Number (VIN) 2788335 and Personal Identification Number (PIN) 9376 anytime you contact the Call Center and the first time you log on to the VNS web site. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Abel.

Remember, VNS is an automated system and cannot answer questions. If you have other questions which involve this matter, please contact this office at the number listed above.

Sincerely,
Anne M. Tompkins
United States Attorney

Shirley Rutledge
Victim Witness Coordinator

If you do not want to receive email notifications from the Victim Notification System (VNS) or wish to no longer participate in the Department of Justice victim notification program, please log into the VNS Web site at <https://www.notify.usdoj.gov>. To stop receiving email notifications or change your email address select My Information and either remove your email address or provide a new address and click the "update" button. If you no longer wish to receive notifications in your case or access the VNS Web site and toll free telephone service, select Stop Receiving Notifications and follow the instructions on the screen.

If you believe you have received this email in error, please contact the office listed at top of the email message.

Please note, if this is the first notification you have received from VNS you will need to wait 4-8 hours from receipt of this email before you can login to the VNS Internet site (<http://www.notify.usdoj.gov>). In addition, it will also be 4-8 hours before any documents which may have been uploaded to VNS as part of this notification will be available under the "Documents/Links" section on the Web page.

P-Abel0025



From: Jonathan Davey [mailto:jdavey321@gmail.com]
Sent: Saturday, February 26, 2011 10:19 AM
To: 'Dave & Judy Abel' <dajabel@roadrunner.com>
Subject: RE: Accurate Amount of Restitution

Hi Dave,

I've gotten a few requests thus far on the form you received. You are correct in recognizing that the balance that has been filled in reflects all of your balance in DCS. However, DCS was never 100% invested in Keith Simmons/Black Diamond, nor did we lose all our funds in Black Diamond.

Your balance, before the October 2010 payment, for all your accounts is: \$178,988.10. DCS had 12% of its principle invested in Black Diamond. Therefore, 12% of \$178,988.10 is \$21,478.57.

You should mark "No" that the amount is acceptable. In the third paragraph, you should put in the principle amount invested as \$21,478.57. You can send the attached statement as support.

Also, on the page listing who you invested with, the only check mark should be "Divine Circulation Servs". You did not invest with Jonathan Davey (i.e. you never sent me money personally to invest) and you did not invest in my accounting firm, Safe Harbor Wealth.

If you have any other questions, don't hesitate to contact me.

thanks

Jonathan

From: Dave & Judy Abel [mailto:dajabel@roadrunner.com]
Sent: Saturday, February 26, 2011 9:37 AM

P-Abel0026

To: Jonathan Davey
Subject: Accurate Amount of Restitution

Hi Jonathan,

Judy and I would like to know the accurate amounts for the net restitution we are owed.

Thank You,

Dave

P-Abel0027



Cash Reporting -- Wire Advice Report
DIVINE CIRCULATION SERVICES LLC

Business Date: 04/13/2009

Prior Day

Amount Range: 1,173.430 to 1,173.430

Includes Credits for: BOOK, CHIP, FED, WIRE

Country:	United States	
Bank:	JPMorgan Chase Bank, N.A. (OH)	Currency: U.S. Dollar

Account Number:	772545745	
Account Name:	DIVINE CIRCULATION SVCS LLC	LAST UPDATE: 03:07 NY TIME 04/14/2009

Credits

Amount:	1,173.43	SAME	FED	STRAIGHT
---------	----------	------	-----	----------

Received From:
FIRST COMMUNIY BANK (BANQUEST/FIRST BANK) PO BOX 797 TAOS
NM 87571-0797

Value Date/Time: 04/13/2009 17:10
Cust Reference: OBI INFO
Bank Reference: 4207509103FF

By Order Customer:
/002735709 SUNWEST TRUST INC SUNWEST TRUST IRA
SETTLEMENT 3240 D JUAN TABO NE ALBUQUERQUE,NM 87111-

GFP Ref:
GFP Rcvd: 04132014

By Order Bank:
FIRST COMMUNITY BK

Fed Ref: 0413 J7B74P1C 000070
VIA FED

Acct Party:

Fed Time: 16:14
MRN Seq: 090413130634MGL1
Chip Seq/Ref: /
Sending Bank Fed ID: 107001452

Ultimate Beneficiary:

Swift ID:
SRN:

Beneficiary:

Payment Method:
Payment Detail:

Beneficiary 2 (Intermediary):

Remarks/Text:
FOR JOHN SARGENT

Credit Totals	No. of Credits	1
	Credit Amount	1,173.43

Created on: 04/14/2009 08:56 AM

DEFENDANT'S
EXHIBIT

Page 1 of 1



----- Forwarded Message -----

Subject: Status Update

Date: Wed, 31 Mar 2010 09:59:45 -0400

From: jdavey <jdavey@shwii.com>

Reply-To: jdavey@shwii.com

To: Investment Clients & Friends <jdavey@safeharborwealth.com>

Dear Shareholders,

I wanted to bring you up to date on developments since our last conference call. While I would love to give out a weekly update, the processes move very slowly and I feel like I'm watching grass grow.

On our last conference call, I mentioned that we were in several "windows" of waiting. The first window we were in was waiting on Mexbank's progress in their case against the Swiss broker (ACM Trading) who stole their funds. The Swiss lawyers are very confident that Mexbank will prevail in their case against ACM. The magistrate in charge of the case was recently replaced with a more aggressive magistrate and Mexbank feels the resolution pace should pick up. ACM has not received their banking license, which was necessary for all Swiss trading firms beginning January 1, 2010, and their former top management has been replaced. These three recent changes (i.e. new magistrate, new management, urgency of obtaining a banking license) are positive developments in resolving this case – either through legal proceedings or an out-of-court settlement.

Additionally, Mexbank has secured several lines of credit and will begin to utilize those credit lines to rebuild the value in our accounts. Mexbank has said that the time line for the return of at least 80% of our funds will be between 7 months and 29 months. Therefore, unless ACM agrees to settle and return our funds, we will not expect to see the return of our funds any sooner than October 2010. Mexbank continues to trade our small account and they have been averaging 1-2.5% per month.

The next window relates to the European Trading Program (Amkel). Again, the delay is frustrating. We have to wait for the legal process to slowly play out. Our attorneys are confident of the return of our funds or they would have never agreed to a contingency fee basis. I would expect for this to be resolved by the end of the year and for us to recover atleast 90% of our funds.

The third outstanding item is our bonds with Audience Alliance. Other than forcing them into bankruptcy, our only other option is to give their business model time to play out. They have two upcoming movies and also are working on a collaboration with the Australian government. Their upcoming movies seem appealing and should do well.

Finally, there is the issue of Black Diamond. Although the trial for Keith Simmons is scheduled for April, the US attorney feels like that date will be pushed back. Currently, Keith Simmons has pled not guilty and has requested a jury trial. Considering the mountain of evidence against him, I can only guess he is holding out for some plea deal. What bothers me most is that the CFTC (Commodities Futures Trading Commission), which oversees currency trading, knew on April 27, 2009 that Keith was taking investor funds and not trading currencies but the Commission failed to inform any investor of the fraud. Additionally, when I received a subpoena from the CFTC back in June and provided them all of my data, they refused to give me any information on the nature of the investigation or warn me of Keith Simmons fraud – even though they knew I was invested with him. Further, my attorney contacted the CFTC in December 2009 and eventually spoke with a supervisor; however, he hit a brick wall and was simply told that the “CFTC was preparing to move against Black Diamond and others.” This was surprising considering that the FBI had already arrested Keith Simmons. My only question is – what was the CFTC waiting on? In the meantime, they have requested more information from me and are scrutinizing my actions. This process has severely depleted my financial resources and I am left to believe that the regulatory agencies are more focused on prosecution rather than crime prevention or returning funds to innocent victims. Although it is easy to be discouraged about this whole process, I realize that God saw all this before hand and allowed it to happen. One day we will understand His perfect plan (Job 23:10).

Going forward, I will be closing my office here at 35 South Park Place at the end of April. I’ve been in this space for ten years and it will be a sad day when I close the doors. However, I can no longer justify the office expenses when technology allows me to carry on Safe Harbor without a physical location beyond my home. All the websites, emails, and phone numbers will remain the same. However, please use the following address for mail:

Safe Harbor
PO Box 950
Newark, OH 43058-0950

I will put out another update at the end of May unless pertinent information becomes available before then. I appreciate your interaction and look forward to the eventual return of our funds. I remain confident of the final outcome.

In His Service,
Jonathan Davey
www.divinecsi.com

9-18-03 \$239,000
Jonathan Dawey President

DEFENDANT'S
EXHIBIT

83

DCS Status Update

From: **Jonathan Davey** (jdavey@shwil.com)

Sent: Fri 12/18/09 3:46 PM

To: Investment Clients & Friends (jdavey@safeharborwealth.com)

Dear Shareholders,

DCS has been invested in a company called Black Diamond since January 2007. Over the course of the past two years we have moved all of our funds into Black Diamond. Black Diamond represented that they were invested in an exclusive forex platform. I have just learned that the principal of Black Diamond has been arrested by the FBI on charges of money laundering, wire fraud, and securities fraud. We will have to wait and see the status of our investments but this is not an encouraging development.

As you know, we were subpoenaed by the CFTC back in the summer along with Black Diamond and several other hedge funds. These other hedge funds, along with DCS, are invested in Black Diamond. Based on my conversation with the CFTC at the time, it appeared that the CFTC was focusing on the illegal activity by Mexbank and ACM in Switzerland back in November of 2008. Although I haven't heard from the CFTC since July, my attorney is in contact with them and we continue to fully cooperate with them. We hope we can find more information about the status of their investigation.

Quite frankly, I do not know if the CFTC's actions are related to the FBI's actions but I wanted you to be aware of all developments as they happen. As my attorney finds out new information, I will forward it to you.

In order to answer any questions that you may have, I'm recommending that we have a conference call in early January. I can answer all questions and hopefully have more information by then. I'll forward a time and phone number in the near future.

Although I don't know how God is going to work this out, ultimately He is in control. It is definitely a trying of our faith but I know He desires what is best for His children.

In His Service,
Jonathan Davey

Circular 230 Disclaimer: To comply with IRS requirements, please be advised that, unless otherwise stated by the sender, any tax advice contained in this e-mail message and its attachments is not intended or written to be used, and cannot be used, by the recipient to avoid any federal tax penalty that may be imposed on the recipient, or to promote, market or recommend to another any referenced entity, investment plan or arrangement.

Conference Call Scheduled - DCS Conference Call - Thu Jan 21 2010 - 9:00 PM EST

From: **Jonathan Davey** (jdavey@shwii.com)
Sent: Tue 1/05/10 5:12 PM
To: Investment Clients & Friends (jdavey@safeharborwealth.com)
1 attachment
conference.ics (1.3 KB)

Dear Shareholders,

We will be having a conference call to discuss the current situation with DCS. Your funds are currently illiquid. Although DCS does not have any liquid funds available, there are amounts owed to DCS (think of them as accounts receivable). Based upon our ability to collect on these funds, we hope to recover a portion of the principle you have invested in DCS. At this point we do not have a detailed timeline on the collection process nor can we give any indication on how successful our collection process will be.

During our call, we will discuss pertinent tax issues that apply to each of you who were invested as of 12/31/08. Although we are awaiting clarification from the IRS on several items, we should be able to give you some guidance related to your 2009 tax return.

As principle becomes available to us through the collection process, you will have the choice of receiving your allocation of the recovered funds or keeping those funds invested in DCS. Since we had already planned on pursuing new opportunities last summer after we received our funds from Black Diamond, we will proceed with those plans with all the funds that shareholders choose to keep invested in DCS.

I know that we all share in the disappointment of the current situation. While this has been extremely stressful for me, my biggest concern is how you have been affected. I feel an ethical obligation to each of you to recover your principle and am committed to that end. I have been deeply touched by the support and kind words from many of you. We are in this together and have a common goal.

The details and time of the conference call are listed below. We will start promptly at 9pm EST.

I anticipate the conference call will be a time of open communication that is solutions orientated.

Creating Affluence for Eternal Influence
Jonathan Davey

× HiDef Conferencing

Scheduled Conference Invitation

Dear Jonathan:

You have scheduled a conference for:

9:00 PM Eastern Standard Time on Thursday January 21, 2010

Subject: DCS Conference Call

Details:

<http://by148w.bay148.mail.live.com/mail/PrintMessages.aspx?cpids=6f740884-fa47-11de-...> 4/21/2012

Attached is a calendar event for this conference.

- Conference Room Number: **5917030**

- **Send** a conference invitation to participants.
- **Control** and manage your conference from the web.
- Please read the User Guide before your call.

To use the HiDef Conferencing™ service, you may call from:

Skype:

Moderators: +9900827044127287

☒ Start Skype as Moderator

Participants: +9900827045917030

☒ Start Skype as Participant

Call Toll:

United States: +1 (201) 793-9022
Canada: +1 (201) 793-9022
Austria: +43 (0) 82040115470
Belgium: +32 (0) 70357134
France: +33 (0) 826109071
Germany: +49 01805009527
Ireland: +353 (0) 818270968
Italy: +39 848390177
Spain: +34 902885791
Switzerland: +41 (0) 848560397
United Kingdom: +44 (0) 8700990931

Call Toll-Free:

United States: +1 (888) 350-0075
Canada: +1 (888) 350-0075
Australia: +61 1800240997
Austria: +43 080010259254
Belgium: +32 080050903
France: +33 0800940295
Germany: +49 08000004291
Sweden: +46 0200125385
United Kingdom: +44 08003581803

Managing the Conference Call

The following commands may be used by the moderator during the conference call:

- *1 Play menu of features so you know what's available
 - *2 Mute/Unmute your own line so other people can't hear you talking
 - *5 Hear the number of callers who are on the conference
 - *6 Lock/Unlock the conference so no other callers can join
 - *7 Record the conference
 - *8 Mute/Unmute all participants except moderators - lecture mode
- #1 Entry/exit beeps (both on/both off)
#3 Roll call of participants (if enabled)

Please do not reply directly to this email. This email address does not accept replies.

ETERNAL DIVIDENDS, L.P.

SUBSCRIPTION

ETERNAL DIVIDENDS, L.P.
SAFE HARBOR STEWARDSHIP, LLC
General Partner
35 South Park Place, Suite 10
Newark, Ohio 43055
(740) 349-5812

**DEFENDANT'S
EXHIBIT**

David Woetzel

To: jdavey@shwii.com
Cc: Hank Stebbins (hstebbins@slvlaw.com)
Subject: RE: Conference Call Scheduled - DCS Conference Call - Thu Jan 21 2010 - 9:00 PM EST

Jonathan,

Well, I'll be candid with you as well. My attorney is strongly advising me to open an action against Safe Harbor and Divine Circulations. His position is that you don't take someone's word for it that they don't have any assets after they have lost a quarter million dollars of your money. I'll be listening carefully tomorrow. And I want to see what you produce in writing. At a minimum I'll want copies of balance sheets and financial statements for Divine Circulations (for the last year) that would confirm your assertions. My attorney and the Assistant D.A. of the State of NH can review them and advise me further. If the situation is as bleak as you paint it...that you lost all the interest and a chunk of principle in Black Diamond. And then you invested poorly in a movie studio. And then you invested poorly in two overseas ventures which are now in litigation, then it is merely a stunning record of investment incompetence. Obviously that isn't criminal (and I have no reason to suspect such). But it is very surprising and I want reasonable proof. My understanding (and I believe that of other investors) is that our funds were placed in Forex trading. If they were pulled out of Black Diamond (supposedly Forex trading) and moved into a totally different line of investments, then we should have been apprised of that.

Regards,
Dave Woetzel
President/CEO
CCR Data Systems, Inc.

From: Jonathan Davey [mailto:jdavey@safeharborwealth.com]
Sent: Tuesday, January 05, 2010 8:33 PM
To: 'David Woetzel'
Subject: RE: Conference Call Scheduled - DCS Conference Call - Thu Jan 21 2010 - 9:00 PM EST

Dave,

My earnings were tied up in Black Diamond. Just like my clients, I thought I had a pretty good balance. However, I hadn't taken any funds out of DCS since last winter. 50% earnings are nice if one can actually get to them. Yes, I was tempted to get out, but it was all predicated on closing out DCS and everyone being paid off. If I had actually taken out 50% of the earnings, then I would definitely feel obligated to put them back into DCS. However, since I didn't take out a lot of earnings, there isn't a stash anywhere. Going close to a year without access to my funds has depleted my personal holdings.

Forgive me for being transparent, but I would not have made those comments if I knew that Black Diamond was a sham. I had seriously considered closing down my investment practice and work fulltime for Safe Harbor Christian Foundation in growing their assets without compensation. I also planned to work with other non-profits in a purely voluntary basis. I looked forward to being able to devote 100% of my time to ministry without having to be a financial burden to a ministry. The loss of this dream has affected me the most.

Again, I'm sorry for the position this has put you in. I pray that in time I can get your principle back.

Jonathan

From: David Woetzel [mailto:dwoetzel@ccrdata.com]
Sent: Tuesday, January 05, 2010 6:55 PM
To: jdavey@shwii.com
Subject: RE: Conference Call Scheduled - DCS Conference Call - Thu Jan 21 2010 - 9:00 PM EST

Jonathan,

While I appreciate the words of concern, I feel that there is a BIG difference between your losing profits, interest, salary, or even a job because you partnered with this outfit compared to an investor losing one's hard-earned principle. That represents life savings for some (kid's college education in my situation). I know at one point when the bureaucratic and paperwork hurdles starting up Eternal Dividends became onerous, you commented: "I'm tempted just to get out of this since I've made all the money I need."

Nobody begrudged making 50% of the profits of Divine Circulations if you were actually doing something remarkable with our investments. But now that it is apparent that it was all given to this hack who wasted it, I think it would be a great gesture of concern to take some of those profits and plow them back into getting us bit of our principle back. The last two years salary would be a good starting point. Perhaps you can address this tomorrow.

Regards,
Dave Woetzel
President/CEO
CCR Data Systems, Inc.

From: Jonathan Davey [mailto:jdavey@shwii.com]
Sent: Tuesday, January 05, 2010 5:12 PM
To: Investment Clients & Friends
Subject: Conference Call Scheduled - DCS Conference Call - Thu Jan 21 2010 - 9:00 PM EST

Dear Shareholders,

We will be having a conference call to discuss the current situation with DCS. Your funds are currently illiquid. Although DCS does not have any liquid funds available, there are amounts owed to DCS (think of them as accounts receivable). Based upon our ability to collect on these funds, we hope to recover a portion of the principle you have invested in DCS. At this point we do not have a detailed timeline on the collection process nor can we give any indication on how successful our collection process will be.

During our call, we will discuss pertinent tax issues that apply to each of you who were invested as of 12/31/08. Although we are awaiting clarification from the IRS on several items, we should be able to give you some guidance related to your 2009 tax return.

As principle becomes available to us through the collection process, you will have the choice of receiving your allocation of the recovered funds or keeping those funds invested in DCS. Since we had already planned on pursuing new opportunities last summer after we received our funds from Black Diamond, we will proceed with those plans with all the funds that shareholders choose to keep invested in DCS.

I know that we all share in the disappointment of the current situation. While this has been extremely stressful for me, my biggest concern is how you have been affected. I feel an ethical obligation to each of you to recover your principle and am committed to that end. I have been deeply touched by the support and kind words from many of you. We are in this together and have a common goal.

The details and time of the conference call are listed below. We will start promptly at 9pm EST.

I anticipate the conference call will be a time of open communication that is solutions orientated.

Creating Affluence for Eternal Influence
Jonathan Davey



Dear Jonathan:

You have scheduled a conference for:

9:00 PM Eastern Standard Time on Thursday January 21, 2010

Subject: DCS Conference Call

Details:

Attached is a calendar event for this conference.

- Conference Room Number: **5917030**
- **Send** a conference invitation to participants.
- **Control** and manage your conference from the web.
- Please read the User Guide before your call.

To use the HiDef Conferencing™ service, you may call from:

Skype:

Moderators: +9900827044127287

Participants: +9900827045917030

Call Toll:

United States: +1 (201) 793-9022
Canada: +1 (201) 793-9022
Austria: +43 (0) 82040115470
Belgium: +32 (0) 70357134
France: +33 (0) 826109071

Germany: +49 01805009527
Ireland: +353 (0) 818270968
Italy: +39 848390177
Spain: +34 902885791
Switzerland: +41 (0) 848560397
United Kingdom: +44 (0) 8700990931

Call Toll-Free:

United States: +1 (888) 350-0075
Canada: +1 (888) 350-0075
Australia: +61 1800240997
Austria: +43 080010259254
Belgium: +32 080050903
France: +33 0800940295
Germany: +49 08000004291
Sweden: +46 0200125385
United Kingdom: +44 08003581803

Managing the Conference Call

The following commands may be used by the moderator during the conference call:

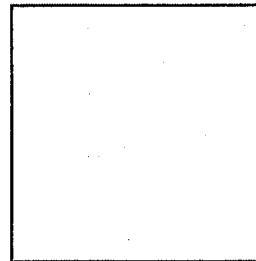
- *1 Play menu of features so you know what's available
- *2 Mute/Unmute your own line so other people can't hear you talking
- *5 Hear the number of callers who are on the conference
- *6 Lock/Unlock the conference so no other callers can join
- *7 Record the conference
- *8 Mute/Unmute all participants except moderators - lecture mode

- #1 Entry/exit beeps (both on/both off)
- #3 Roll call of participants (if enabled)

Please do not reply directly to this email. This email address does not accept replies.

For questions or support, please contact our 24x7 Customer Support team at <http://www.hidefconferencing.com/hidefsupport>.

© 2009 Citrix Online Audio, LLC. All rights reserved.



Citrix Online Audio, LLC. | 80 River St. | Fifth Floor | Hoboken, NJ 07030 |
1 866 962 6489 (U.S. and Canada, toll-free)

David Woetzel

From: Jonathan Davey [jdavey@shwii.com]
Sent: Friday, January 22, 2010 3:03 PM
To: Investment Clients & Friends
Subject: DCS CC Recap

Dear Shareholders,

Thank you for taking the time last night to participate on the conference call. I appreciate all of the responses I've received thus far.

Here's a recap of the amounts due to DCS in total. I do not have a timeframe on the recovery of these funds nor can I predict the amount eventually returned.

Mexbank - \$1.5M
Audience Alliance - \$5M
Black Diamond - \$1M
European Program - \$4M

As emphasized last night, I am not willing to just sit and wait for the return of that principle. Although I'm actively engaged towards the recovery of our funds, I want to be more proactive in making each of you whole. I am aware of the extreme situation that a number of you are in and am focused on growing Eternal Dividends in order to provide additionally liquidity back to DCS. I'm totally committed to making each of you whole as quickly as possible.

As we discussed last night, I've already set up Eternal Dividends LP but have held off accepting new clients. I believe that now it is in all of our best interests that I proceed with Eternal Dividends opening it up to new clients. I will make DCS a limited partner of Eternal Dividends and share with DCS my own earnings from Eternal Dividends. Additionally, DCS's account inside Eternal Dividends will receive the full share of earnings each month. Therefore, as Eternal Dividends progresses, it will pull DCS along and provide DCS with a source of capital beyond simply waiting on the recovery of its other investments.

Again let me say thank you for your graciousness and understanding during this time. I am so sorry for the position that we are all in.

My father has said many times that "Faith is the measure of our view of God". 100 years from now, what will matter most to you and me is how we responded to this trial. So as a brother in Christ, I have no alternative but to remain committed to you.

In Him,
Jonathan

Circular 230 Disclaimer: To comply with IRS requirements, please be advised that, unless otherwise stated by the sender, any tax advice contained in this e-mail message and its attachments is not intended or written to be used, and cannot be used, by the recipient to avoid any federal tax penalty that may be imposed on the recipient, or to promote, market or recommend to another any referenced entity, investment plan or arrangement.